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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

JIANLIANG ZHU,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of the
 Department of Homeland Security;
 CHRISTINA POULOS, Director,
 California Service Center, U.S.C.I.S.;
 CONDOLEEZZA RICE, Secretary of State,

Defendants.

No. C 08-0304 JCS

**STIPULATION TO CONTINUE TO
 HOLD CASE IN ABEYANCE; and
 [PROPOSED] ORDER**

Plaintiff, by and through his attorney of record, and Defendants, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to the following:

1. Plaintiff filed this action on January 16, 2007, asking this Court to direct the United States Citizenship and Immigration Services (USCIS) to adjudicate his I-824 Application (Application For Action On An Approved Application or Petition) and the Department of State to issue an immigrant visa to his son.

2. The USCIS approved the plaintiff's I-824 application on March 5, 2008.

3. On March 24, 2008, this Court approved the parties' stipulation to extend the answer deadline to April 11, 2008, and to extend the date of the case management conference to May 9, 2008.

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1 4. On April 4, 2008, this Court approved the parties' stipulation to extend the answer date, the
2 ADR date, the joint case management date, and the case management conference date, in light of
3 the fact that USCIS had recently forwarded the approved I-824 to the Department of State's
4 National Visa Center, which is the first step in the process of issuing a visa.

5 5. The approved I-824 has recently been routed to the American Consulate in Guangzhou,
6 China, for processing of the visa application.

7 6. The American Consulate in Guangzhou will begin processing the visa application once the
8 applicant provides a name, date and place of birth, and Chinese mailing address.

9 7. Although the statutory quota for employment-based third preference applicant (EB-3) has
10 been filled this year and a visa cannot be issued in this case until October 1, 2008, the consulate
11 can begin processing the case now (after the plaintiffs submit the information referred to in
12 paragraph six).

13 8. In light of the information set forth above, the parties asked this Court to hold this case in
14 abeyance for four months, in light of the reasonable possibility that this case may be
15 administratively resolved in the interim.

16 9. The case management conference is currently scheduled for November 14, 2008.

17 10. The attorney for the State Department who is able to provide information as to whether or
18 not a visa has been issued is temporarily out of the office due to a death in the family.

19 11. Accordingly, the parties respectfully ask this Court to vacate the case management
20 conference and re-schedule the case management conference for **December 19, 2008, at 1:30 p.m.**

21 12. In the event the case is administratively resolved, the parties will file a stipulation to
22 dismiss. If the case is not administratively resolved within a month, the parties will file a joint
23 case management statement at least seven days in advance of the case management conference.
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2 Date: November 10, 2008

Respectfully submitted,

3 JOSEPH P. RUSSONIELLO
4 United States Attorney

5 /s/
6 EDWARD A. OLSEN
7 Assistant United States Attorney
8 Attorneys for Defendants

9 Date: November 10, 2008

10 /s/
11 JUSTIN X. WANG
12 Attorney for Plaintiff

13 **ORDER**

14 Pursuant to stipulation, the case management conference currently scheduled for November
15 14, 2008, is vacated, and re-scheduled for December 19, 2008.

16 Date: 11/12/08

